

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No. _____

(to be filled in by the Clerk's Office)

Lois Sciandra

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one)

☐ Yes☒ No

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2017 AUG 28 P 3:48

East Rutherford Borough/Police Dept

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Lois Sciandra

Street Address

188 Hackensack St.

City and County

East Rutherford

State and Zip Code

New Jersey 07073

Telephone Number

201 978-1868

E-mail Address

tenacity-01@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Borough of East Rutherford
 Job or Title (if known)
 Street Address 1 Everett Place
 City and County East Rutherford
 State and Zip Code New Jersey 07073
 Telephone Number 201 438-933-3444
 E-mail Address (if known)

Defendant No. 2

Name Larry Minda
 Job or Title (if known) Chief of Police
 Street Address
 City and County East Rutherford
 State and Zip Code New Jersey 07073
 Telephone Number
 E-mail Address (if known)

Defendant No. 3

Name Paul Cece
 Job or Title (if known) Police Officer
 Street Address
 City and County East Rutherford
 State and Zip Code New Jersey 07073
 Telephone Number
 E-mail Address (if known)

Defendant No. 4

Name Joel Brizzi
 Job or Title (if known) Council Man "Emeritus"
 Street Address
 City and County East Rutherford
 State and Zip Code New Jersey 07073
 Telephone Number
 E-mail Address (if known)

And John Does and Jane Does 1-10 plus unknown persons

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	East Rutherford Police Department
Street Address	117 Stanley Street
City and County	East Rutherford
State and Zip Code	New Jersey 07073
Telephone Number	201-438-0165

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

Surrender of duty weapon forced without any ordinance or relevant statute

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

☐

Failure to hire me.

☐

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☒

Unequal terms and conditions of my employment.

☒

Retaliation.

☒

Other acts (specify):

Age, race discrimination-hostile work environment
(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

2009-present

C. I believe that defendant(s) (check one):

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒

race

African American

☒

color

Black

☒

gender/sex

female

☐

religion

☐

national origin

☒

age (year of birth)

11/19/1949 (only when asserting a claim of age discrimination.)

☐

disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

See attached —

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) _____.

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

In its mission statement, the Borough of East Rutherford Police Department, or Police Department, sets forth four main ideals and goals: Community Partnerships, Ethical Behavior, Attitude and Service.

While it is now clear that the Borough of East Rutherford Police Department pays little amount of attention to these ideals, the reality is that the Borough of East Rutherford Police Department simply does not and otherwise has failed to promote ethical behavior, respect, compassion and fairness for all of its officers. The Borough of East Rutherford Police Department's failures surrounding Lois Sciandra (Ms. Sciandra) – presently a sixty-seven year old African American female, currently assigned and employed as a Special Law Enforcement Officer (S.L.E.O.) Class II-have been especially harsh.

Ms. Sciandra graduated from the Police Academy of Passaic County as an S.L.E.O. Class II in 1998. She earned an Associate's Degree in Science from Bergen Community College in 2000.

From 1968 to 1975, Ms. Sciandra worked at the Flinkote Company. In 1975, she transferred to Becton Dickinson, where she worked as an accounts payable/receivable clerk until 1985. From 1971 to 1994, Ms. Sciandra was also employed at Bamberger's/Macy's Department Store, first in sales then promoted to assistant manager, then manager. From 1978 to 1994 she worked in the security department as a detective, then security supervisor in Newark and Paramus, New Jersey.

Ms. Sciandra was such a trustworthy and valuable employee that she was placed in charge of training new sales staff and management, as well as teaching courses on security in New Jersey and Maryland. She never received a negative evaluation while at Bamberger's/Macy's Department Store, and benefited from regular increases in salary during her employment with the company. In 1994, she resigned from the company with severance pay due to consolidation and workforce reduction.

In 1995, Ms. Sciandra was hired by the City of Paterson Public Schools as a full time paraprofessional/instructional assistant, a position which she presently

occupies. During employment with the City of Paterson Public Schools, Ms. Sciandra also worked as a safety coordinator at Sears Roebuck, in Hackensack.

After graduating from the Passaic County Police Academy, she was hired by the Borough of East Rutherford Police Department as an S.L.E.O. Class II, working forty hours per week at \$20.00 per hour. She received regular pay increases annually until on or about 2009 when her pay decreased to \$20.00.

S.L.E.O. Class II Officers have the same authority and arrest powers as full time police officers. In addition to the above responsibilities, they are obligated to carry a firearm and must qualify at the pistol range. Ms. Sciandra trained with a Glock .40 caliber firearm at the Passaic County Police Academy and was issued a Glock 23 weapon from the Borough of East Rutherford Police Department.

During her employment with the Borough of East Rutherford Police Department she maintained a forty hour work week through 2005. In 2005, she made a request to take Sundays off, which was granted by Chief John La Greca.

As the only female S.L.E.O. Class II officer, Ms. Sciandra stands as one of the most accomplished officers at the Borough of East Rutherford Police Department. Ms. Sciandra has been a dedicated, hardworking employee who has made herself available to assist her co-workers at any time.

In August of 2015, Ms. Sciandra saw and briefly spoke with Councilman Joel Brizzi, the Borough Council Liaison to the Borough of East Rutherford Police Department, in reference to her receiving a raise. On August 14, 2015, she attempted to call him but he did not answer the phone. Another call was made on October 1, 2015, and again he did not answer the phone. He replied to her by text message saying "Sorry. I'm busy. Call back later." On October 14, 2015, Ms. Sciandra called him after speaking with the chief and he did not answer the phone.

Prior to speaking with the councilman, on October 14, 2015, Ms. Sciandra was advised by Lt. William Hopkins and Captain Dennis Rivelli that Chief Larry Minda wanted to speak with her. Captain Rivelli escorted Ms. Sciandra to the chief's office where he inexplicably advised her that she would have to surrender her

Police Department firearm as he believed she had reached sixty-five years of age. In fact, Ms. Sciandra was already sixty-six years of age.

Ms. Sciandra made numerous attempts asking Chief Minda for a written request to surrender her weapon. She asked if her duties would change and when it would take effect. She was told by Chief Minda that she would be involved in community policing and working with him on different town events such as National Night Out. She was never given an answer. Ms. Sciandra approached Chief Minda one more time to document his request and was told "I'm not putting anything in writing."

Captain Phil Taromina sent Ms. Sciandra an e-mail with a revised copy of the Borough of East Rutherford Police Department Standard Operating Procedures dated March 2, 2016. It quoted as follows: "S.L.E.O. II shall turn in their department issued firearm on their 65th birthday." It is important to note that the date is identical on the original and revised versions of the Borough of East Rutherford Police Department Standard Operating Procedures. No memorandum was ever circulated within the Borough of East Rutherford Police Department announcing this new age requirement. Chief Minda had no authority to promulgate this regulation absent enactment of a municipal ordinance.

On December 2, 2015, Ms. Sciandra was stopped in the hallway by Chief Minda who stated that he did not realize she still had her weapon. He said he sent an e-mail to the range instructor, Captain Jeffrey Yannacone, in reference to it. While Ms. Sciandra was on patrol she was instructed by Captain Yannacone to respond to headquarters. When Ms. Sciandra arrived, he told her that Chief Minda called him to take possession of her weapon. Captain Yannacone advised her to finish her shift and he would have Officer Michael Pappas take her weapon. At the end of her tour, Officer Pappas took possession of Ms. Sciandra's firearm and completed the relevant paperwork.

It is clearly evident that Chief Minda contrived an intentional denial of her right to carry a department issued firearm. Since this has happened it has prevented her from effectively doing her job due to a reduction in Ms. Sciandra's responsibilities. This could consequently lead to her termination or such an

unhealthy work environment that would be so intolerable she would have to resign.

Chief Minda continues to appease Ms. Sciandra by telling her how she will be assisting him with National Night Out. It is without question that after asking Councilman Joel Brizzi about her raise, Chief Minda enacted the regulation at the time to effectively ban this African American woman from service in the Borough of East Rutherford Police Department.

Ms. Sciandra has and continues to be subjected to a hostile work environment, retaliation, and age, gender and racial discrimination. Whether it was not allowing her to type her monthly reports for the chief, for example, Lieutenant Paul Cece turned the lights off while she was typing, then slammed a flashlight on the top of a filing cabinet and told her "here's your light." Also, she was told by the East Rutherford P.B.A. President Detective Daniel Perry who said he was advised by the East Rutherford P.B.A. attorney that due to the insurance liability, she was not permitted to use the exercise facility in the building. The gym equipment in this room was funded by money raised through P.B.A. beefsteaks and Halloween parties. Ms. Sciandra assisted P.B.A. members in soliciting funds and merchandise from business. She raised thousands of dollars as well as spent endless nights organizing and designing gift baskets to raffle off at the events. The Borough of East Rutherford also contributed money to complete the exercise room.

During a Columbus Day event, Councilman Joel Brizzi asked why Ms. Sciandra was somewhat standoffish and her answer was "Why did you all agree to take my weapon?" He stated he had nothing to do with it. So Ms. Sciandra stated "not according to the chief." Councilman Brizzi became upset and denied any part in it, while asking her who told her and she said "Chief Minda." Councilman Brizzi noticed Chief Minda walking towards his location and words were exchanged asking when Ms. Sciandra was told the council made the decision to take her weapon. The chief said "I'm not going to discuss anything with you especially in front of a special," as he looked down at Ms. Sciandra. Chief Minda also stated "this is why I am glad I'm retiring."

While at a Christmas Tree lighting ceremony, Officer Kevin Felten instructed Ms. Sciandra to relinquish her assigned post at Grove Street and Everett Place and to take the post that was assigned to Class I Special Dennis Monks at Paterson Avenue and Everett Place. A few minutes later Chief Minda walked over to the three officers and asked who was assigned to Paterson Avenue and Everett Place. Ms. Sciandra stated that Dennis is assigned there and Grove Street was Ms. Sciandra's post. Instead of the Chief rectifying the situation, he stated "work it out amongst yourselves" then walked away. Officer Felton looked at Ms. Sciandra who told him she is staying where she has been assigned and Dennis should go to his post. Officer Felten became enraged stating in front of several spectators "No one likes you here. Why don't you just leave? You do nothing. Why are you here?" Officer Felten and Class I Special Monks both left and went to Class I Special Monks' post. After hearing the commotion, residents were shaking their heads and looking at Ms. Sciandra.

Officer Felten's wife Bonnie Felten attended a softball game that Ms. Sciandra was working at Mackenzie Field. Officer Felten was playing for the East Rutherford Fire Department. Bonnie stated openly to the public while sitting in the bleachers "Why doesn't she just retire? She is like a 100 years old. No one likes her," referring to Ms. Sciandra.

One evening at headquarters, while Ms. Sciandra was in the bathroom, she overheard a conversation between Class I Special Officer/Crossing Guard Tammy Gil and a male officer. They were discussing a decision made by past President Barack Obama. Class I Special Officer Gil referred to the President several times as a nigger. Once Ms. Sciandra flushed the toilet, she heard footsteps scurrying past the bathroom door. When she exited the bathroom only one officer was sitting at the desk.

At a later time Captain Anthony Cirovello advised Ms. Sciandra that Class I Special Officer Gil "will be dealt with" at a later date. Ms. Sciandra was told that Special Officer Gil will be suspended from work while school was not in session so Special Officer Gil would not lose money working as a crossing guard.

Ms. Sciandra asked Officer Marino Rotondo to train her on the e-ticket system and was told that he had to speak to the chief. Another male S.L.E.O. Class I was trained on the system after she asked permission for the training. Ms. Sciandra was denied access to the *D.M.S. system and removed from the department e-mail list.

After moving into the new headquarters in January of 2013, Ms. Sciandra was not permitted to retain the key to lock her weapon. After she left work, the key was hung at the desk operations area where all department officers, specials and cleaning and maintenance personnel are allowed access.

*In 2014, when Ms. Sciandra received a new bulletproof vest, her uniform shirts no longer fit (vest not suited for patrol). When she asked about purchasing uniforms because they were frayed, she was told she will be reimbursed \$100.00 after she purchased them.

Left with no reasonable alternative, Ms. Sciandra hired legal counsel to press her complaints of outright discrimination. Ms. Sciandra is still qualified to work as an S.L.E.O. Class II. However, her job responsibilities and role within the Police Department were significantly marginalized because of her age, gender and race. If Ms. Sciandra had shared Chief Larry Minda's gender and race, the conditions of her employment would most likely have remained and she would not have been subjected to such a detrimental work environment.

This negative environment continues to take a heavy toll on Ms. Sciandra's health, causing her to experience high blood pressure, anxiety and sleep problems. Some of Ms. Sciandra's supervisors, who are hypercritical and inept, have intentionally, humiliated her in an effort to create an environment of failure and hasten a termination or resignation.

*This department has been an accredited agency as of this year.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lois Sciandra**
188 Hackensack Avenue
Apt. #2
East Rutherford, NJ 07073

From: **Newark Area Office**
283-299 Market Street
Two Gateway Center, Suite 1703
Newark, NJ 07102



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

524-2017-00062

Rayba Watson,
Enforcement Supervisor

(973) 645-6021

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

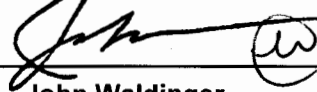
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



John Waldinger,
Area Office Director

MAY 26 2017

Enclosures(s)

(Date Mailed)

cc:

Larry Mirda
Chief
Borough of East Rutherford Police Dept.
117 Stanley Street
East Rutherford, NJ 07073

Peter W. Till
LAW OFFICES OF PETER W. TILL
105 Morris Avenue, Ste. 201
Springfield, NJ 07081

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

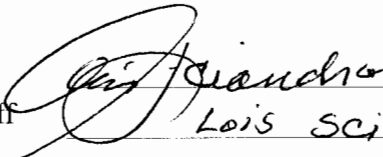
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8/26/17

Signature of Plaintiff

Printed Name of Plaintiff


Lois Sciandra**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____